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**Patent and Trademark Office**

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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|-----------------|-------------|----------------------|---------------------|
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08/942,347 10/01/97 NOURI

A MNFRAME.044A

EXAMINER

LM02/0729

KNOBBE MARTENS OLSON & BEAR  
620 NEWPORT CENTER DRIVE  
SIXTEENTH FLOOR  
NEWPORT BEACH CA 92660-8016

ELISCA.F

ART UNIT

PAPER NUMBER

2785

DATE MAILED:

07/29/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

08/942,347

Applicant(s)

Nouri et al.

Examiner

Pierre Eddy Elisca

Group Art Unit

2785

☒ Responsive to communication(s) filed on May 10, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire THREE month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-35 is/are pending in the application.

Of the above, claim(s) none is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-16, 19, 20, and 23-35 is/are rejected.

☒ Claim(s) 17, 18, 21, and 22 is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 11

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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**Examiner Pierre Eddy Elisca**

**United States Department of Commerce**

**Patent and Trademark Office**

**Washington, D. C. 20231**

## **DETAILED ACTION**

### ***Response to Amendment***

**1. This office action is in response to the applicant's amendment/declaration filed on 05/10/1999.**

### ***Claim Objections***

**2. Claims 17, 18, 21, 22, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.**

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***Claim Rejections - 35 USC § 102 (e)***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 (e) that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

3. Claims 1-4, 9-16, 19, 20, 23-35 are rejected under 35 U.S.C. 102 (e) as being anticipated by Douglas et al. (U.S. Pat. No. 5,652,908).

**As per claims 1, 11, 12, 14, 16, 19, 23-33, Douglas** discloses a method for retrieving or updating system status for a computer abstract, comprising:

a first computer (see., fig 1);

a microcontroller (microcontroller which is readable as console client servers., e.g 130 or 132) capable of providing a retrieve or update system status signal to the first computer (see., figs 1, 2 and col 6, lines 45-60);

a remote interface connected to the microcontroller (see., col 6, lines 55-67); and

a second computer connected to the first computer via the remote interface and communicating a retrieve or update system status command to the microcontroller (see., figs 1 and 2).

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**As per claim 2, Douglas** discloses the claimed limitation wherein the remote interface includes an external port for connection to the second computer (see., figs 1 and 2).

**As per claims 3, 4, Douglas** discloses the claimed limitation wherein the second computer is at the same location as the first computer (see., figs 1 and 2).

**As per claims 9, 15, 20, 35, Douglas** discloses the limitation wherein the remote interface includes a remote interface microcontroller that connects via a bus to the microcontroller (see., figs 1 and 2).

**As per claim 10, Douglas** discloses the claimed limitation wherein the remote interface in is responsive to a command sent from the second computer to retrieve or update system status from the microcontroller (see., figs 1 and 2, abstract, col 6, lines 45-67).

**As per claims 13, 34, Douglas** discloses the claimed limitation wherein the remote interface includes a power source (power source or control switch) independent of a power source for the first computer (see., col 5, lines 29-35).

***Claim Rejections - 35 USC § 103 (a)***

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4. The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 5-8, are rejected under 35 U.S.C. 103 (a) as being unpatentable over Douglas (U.S. Pat. No. 5,565,290).

As per claims 5, 6, 8, Douglas substantially discloses the claimed limitation (see., figs 1 and 2, col 4, lines 47-67, col ), but he fails to specifically disclosed a second modem that connects to the second computer and a satellite. However, Examiner hereby takes Official Notice that modem is notoriously well known in the art and therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a modem to the computer method of **Douglas**, because it is a communications device that enables a computer to transmit information over a standard telephone line and a communications satellite is a communications that can be used for high speed transmission of computer data and also capable of handling immense volumes of information.

**As per claim 7, Douglas** the claimed limitation wherein each modem further connects to a cable network (or LAN) (see., figs 1 and 2).

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### CONCLUSION

6. The prior art made of record and not relied upon is considered to applicant's disclosure.
7. Any inquiry concerning this communication from the examiner should be directed to Pierre Eddy Elisca at (703) 305-3987. The examiner can normally be reached on Tuesday to Friday from 6:30AM. to 5:00PM.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Robert W. Beausoleil Jr can be reached on (703) 305-9713.

**Any response to this action should be mailed to:**

Commissioner of patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 308-9051, (for formal communications intended for entry )

**OR:**

(703) 305-3718 ( for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA.,  
Sixth floor (receptionist ).

Serial Number: 08/942,347

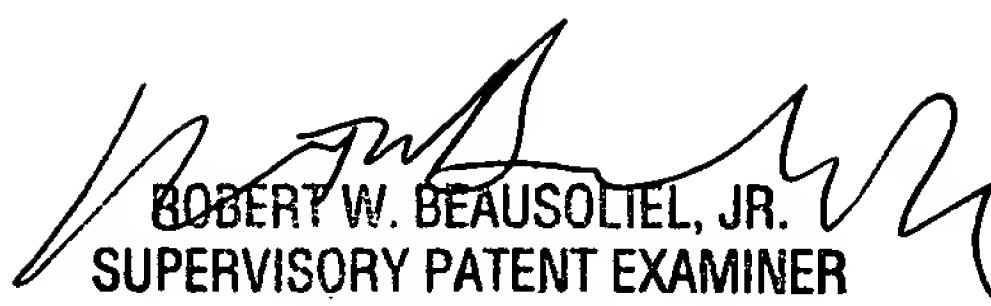
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Pierre Eddy Elisca

Patent Examiner

July 26, 1999

  
ROBERT W. BEAUSOLIEL, JR.  
SUPERVISORY PATENT EXAMINER  
GROUP 2700